

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

UNITED STATES OF AMERICA) Criminal Case No. 6:04cr00009-1
v.)
CHARLES T. TURNER,) 2255 MEMORANDUM OPINION
Petitioner.) By: Norman K. Moon
) United States District Judge

Petitioner Charles T. Turner, proceeding with counsel, filed a motion to vacate, set, aside, or correct sentence pursuant to 28 U.S.C. § 2255, challenging the validity of his criminal sentence. The Federal Bureau of Prisons informed the court that Turner died on December 18, 2016. When changes occur during the course of litigation that eliminate the petitioner's interest in the outcome of the case or the petitioner's need for the requested relief, the case must be dismissed as moot. *See Powell v. McCormack*, 395 U.S. 486, 496 (1969). This case is now moot because Turner died. *See, e.g., Hailey v. Russell*, 394 U.S. 915 (1969); *Eakes v. McCall*, 533 F. App'x 268 (4th Cir. 2013). Accordingly, I conclude that Turner's § 2255 motion must be dismissed without prejudice.

ENTER: This 1st day of February, 2017.

Norman K. Moon
NORMAN K. MOON
UNITED STATES DISTRICT JUDGE